

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the Wisconsin Department of Transportation for the Relocation of a Public Crossing of the Union Pacific Railroad Co. Tracks with CTH 'D' (Lincoln Avenue) in the Village of Fall Creek, Eau Claire County

9040-RX-1170

SUPPLEMENTAL ORDER

On July 17, 2003, the Office of the Commissioner of Railroads (OCR) issued an order that required the relocation of the public crossing of the Union Pacific Railroad Co. (UP) tracks with Union Pacific Railroad Co. (UP) tracks with CTH 'D' (Lincoln Avenue) in the Village of Fall Creek, Eau Claire County by June 1, 2004 (crossing no. 183 962T / MP 99.58). The OCR also ordered the UP to install cantilevered 12" LED flashing lights signals, gates, and constant warning time circuitry by June 1, 2004.

By letter dated June 22, 2004, the Union Pacific Railroad Co. filed a request for an extension of time to August 31, 2004 for both the crossing work and the signal installation. The UP states it received the signed agreements on April 9.

In an email dated June 29, 2004, the Wisconsin Department of Transportation (DOT) opposed any extension of time for the crossing surface and signal work. However, DOT is most concerned about getting the crossing installed no later than **July 9, 2004**. That is the date the highway contractor will be pulling off the jobsite. If the contractor has to come back there will probably be a claim for damages.

DOT states that "while the Force Work Agreements weren't executed until April 1st, the railroad has been aware of the completion date since the hearing on June 19, 2003. They were further reminded of this date in the Proposed Decision (dated June 26, 2003), the Final Order (dated July 17, 2003) and in the estimate request (dated October 20, 2003). **It should also be noted that the Force Work Agreements were delayed due to estimating issues internal to the Union Pacific.**" (Emphasis added).

The concrete crossing panels have been at the CTH 'D' crossing for several weeks. DOT argues that the UP should install these panels by **July 9**.

As an **interim measure** DOT proposes that **crossbucks and stop signs** be installed until the signals can be installed. CTH 'D' carries 1460 ADT (average daily traffic) at 35 mph.

The railroad currently operates 2 through train movements per day over the CTH 'D' crossing location at a speed of 30 mph. About 4 switching moves also occur at the crossing due to the presence of a spur track about 300' west of the crossing. Switching operations may not occur over the relocated crossing.

The Commissioner orders the Union Pacific Railroad Co. to install the concrete panels **no later than July 9, 2004**. The Commissioner also orders the UP to install crossbucks and Eau Claire County install stop signs **no later than July 9, 2004**. The Commissioner extends the deadline for the installation of the new crossing signals to August 31, 2004.

THEREFORE, IT IS ORDERED,

1. That the **Union Pacific Railroad Co.** shall install and maintain a concrete panel crossing at-grade of CTH 'D' with its tracks in accordance with the design plans of the Wisconsin Department of Transportation in the Village of Fall Creek, Eau Claire County by **July 9, 2004**.

2. That the **Union Pacific Railroad Co.** shall install and maintain automatic cantilevered 12" LED flashing lights signals, gates, and constant warning time circuitry with appropriate appurtenances in accordance with such plans as are filed with and approved by the Office of the Commissioner of Railroads at the crossing of its tracks with CTH 'D' at-grade in the Village of Fall Creek, Eau Claire County by **August 31, 2004**.

3. That the **Union Pacific Railroad Co.** shall install and maintain retroreflective back-to-back crossbucks with 2" wide reflective vertical strips on the front and back of the support posts on each approach to the crossing of its tracks with CTH 'D' at-grade in the Village of Fall Creek, Eau Claire County by **July 9, 2004**.

4. That the **Eau Claire Highway Department** shall install and maintain stop signs on separate posts on each approach to the crossing of the Union Pacific Railroad Co. tracks with CTH 'D' at-grade in the Village of Fall Creek, Eau Claire County by **July 9, 2004**.

5. That jurisdiction is retained.

Dated at Madison, Wisconsin, \_\_\_\_\_.

By the Office of the Commissioner of Railroads.

---

Rodney W. Kreunen  
Commissioner of Railroads

9040supp1170